

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA**

Tyrone Singletary, )  
Petitioner, ) No. 2:14-cv-3566-RMG  
vs. ) **ORDER**  
Warden, Kirkland Correctional Institution, )  
Respondent. )

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This matter comes before the Court on the Report and Recommendation ("R & R") of the Magistrate Judge (Dkt. No. 35), recommending that Respondent's motion for summary judgment be granted. The parties were advised that they could file written objections to the R & R within 14 days of service and the failure to timely file written objections could result in limited review by the District Court and waiver of the right to appeal from the judgment of the District Court. (*Id.* at 14). No timely objections were filed.

The Court has reviewed the R & R, the briefs of the parties, the record evidence and relevant legal authorities. The Court finds that the Magistrate Judge ably summarized the factual and legal issues in this matter and correctly concluded that the Respondent is entitled to summary judgment as a matter of law. Therefore, the Court **ADOPTS** the R & R as the order of the Court, **GRANTS** Respondent's motion for summary judgment (Dkt. No. 25) and **DISMISSES** Petitioner's habeas petition with prejudice.

**Certificate of Appealability**

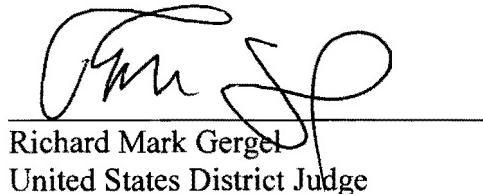
The governing law provides that:

(c)(2) A certificate of appealability may issue . . . only if the applicant has made a substantial showing of the denial of a constitutional right.

(c)(3) The certificate of appealability . . . shall indicate which specific issue or issues satisfy the showing required by paragraph (2).

28 U.S.C. § 2253(c). A prisoner satisfies the standard by demonstrating that reasonable jurists would find this Court's assessment of his constitutional claims debatable or wrong and that any dispositive procedural ruling by the district court is likewise debatable. *See Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *Rose v. Lee*, 252 F.3d 676, 683 (4th Cir. 2001). In this case, the legal standard for the issuance of a certificate of appealability has not been met. Therefore, a certificate of appealability is DENIED.

**IT IS SO ORDERED.**



Richard Mark Gergel  
United States District Judge

July 9, 2015  
Charleston, South Carolina